Nuts-n-Bolts of Redeveloping Brownfields for Local Government August 28, 2007

Environmental Site Assessments:

A Public Agency Perspective



St. Louis Development Corporation

SLDC is a private, non-profit organization that is responsible for business creation, attraction and retention, major project development, and the provision of development incentives authorized by State statute.



St. Louis Development Corporation

SLDC staffs the following Stateauthorized authorities and agencies related to development in the City:

LCRA, LRA, Port Authority, PIEA, IDA, LDC and TIF Commission



Agencies Directly Involved in Brownfields Redevelopment

- Land Clearance for Redevelopment Authority
- Land Reutilization Authority



Land Clearance for Redevelopment Authority

LCRA recommends development incentives such as tax abatement, tax-exempt revenue bonds, and eminent domain for commercial, industrial, and residential projects in redevelopment areas approved by the St. Louis Board of Aldermen.



Land Reutilization Authority

LRA receives title to all tax delinquent properties not sold at the Sheriff's sale. Also receives title to properties through donations. The SLDC Real Estate Department maintains, markets, and sells these properties and performs land assemblage for future development.

Why Do We Conduct Phase I and Phase II ESAs?

- Knowledge is power
- Understand environmental issues
- Provide a defense for cleanup liability
- Give comfort/reduce risk to developers
- Estimate cleanup costs



Who are the Drivers?

- Lenders
- Business Attorneys
- Informed Property Managers
- Regulatory Agencies



What is a Phase I ESA?

- Non-intrusive study that determines whether additional investigation is necessary
- Provides baseline information for establishing an "innocent landowner" defense
- Should conform with ASTM E-1527-05
 Environmental Site Assessments: Phase I Environmental Site Assessment Process

Phase I ESA Components

- Phase I Environmental Site Assessment
 - Per ASTM Standard E1527-05
 - Interviews
 - Regulatory Database Review
 - Historical Evaluation
 - Site Inspection
 - Identifies Recognized Environmental Conditions (RECs)
 - "All Appropriate Inquiry" standard requires more interviews and environmental lien search; defines "environmental professional"



Abandoned Structures/Foundations





Chemical Containers





Petroleum Storage Tanks (USTs/ASTs)

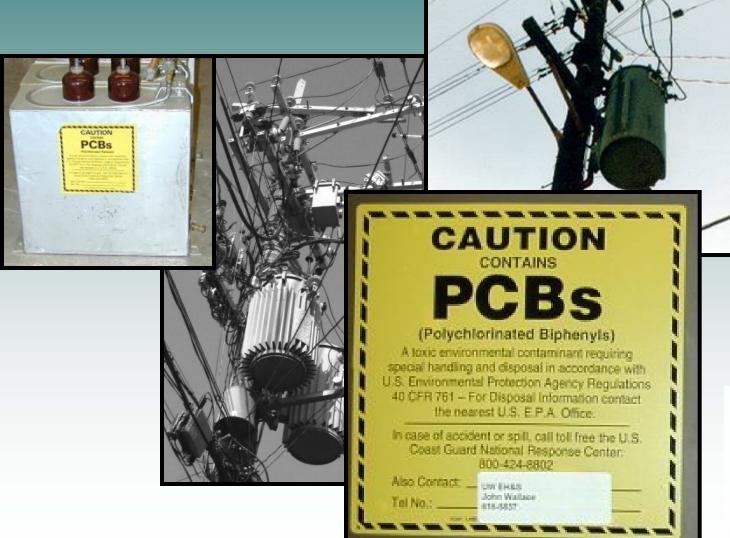








Transformers/electrical equipment





Drains and sumps





Pits/Ponds/Lagoons





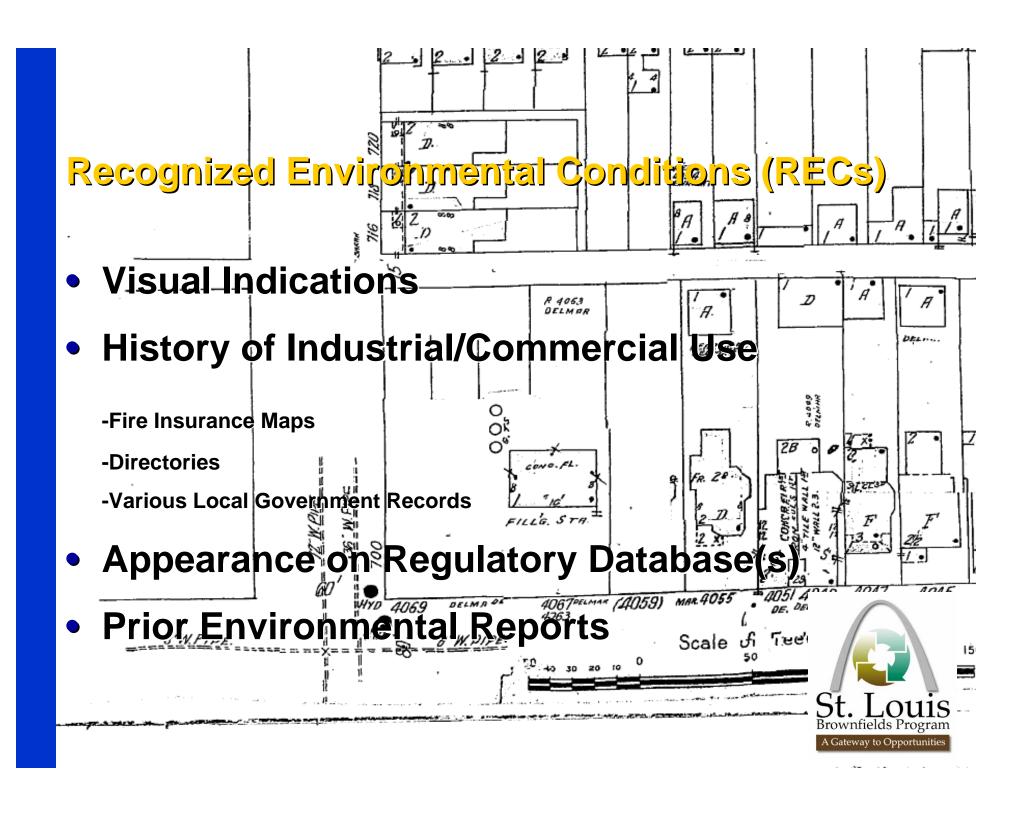
Monitoring Wells











Phase I ESA Add-Ons

- "Non-Scope" Items:
 - -Wetlands
 - Lead-Based Paint
 - -Mold
 - Asbestos



What is a Phase II ESA?

Sampling: Based on Phase I RECs; most likely areas of concern (media collection)





What is a Phase II ESA?

• Testing: Laboratory analysis for the most

likely contaminants







Phase II Add-ons

- Geotechnical evaluation
 - establish soil type
 - confirm soil can support foundations
- Wetlands delineation
- Geophysical evaluation



Other Phase II Thoughts:

- It is o.k. to ask the consultant to provide the rationale used to justify sample locations, matrices, and analytical parameters
- Phase II report may indicate need for additional testing, remediation

If Site is Contaminated....

- Reduce price of property
- Provide incentives to off-set costs
- Risk-Based Corrective Action (RBCA)
- Initiate the cleanup



Funding Sources

- SLDC Operating Funds
- Land Sale Proceeds
- EPA Grants
- EPA/MDNR BTAs
- Loans
- Remediation Tax Credits





Contracting for a Phase I ESA

- Professional Services; Qualifications-Based Selection (QBS)
- Short list of qualified environmental consultants
- Request proposal; ASTM Standard E1527-05
- Negotiation factors: ability to meet schedule and fair and reasonable price

Contracting for a Phase II ESA

- Professional Services; QBS
- Short list of qualified environmental consultants or advertise RFQ
- Request proposal; it's a negotiated process
- Negotiation factors: capacity to perform, technical approach, fair and reasonable price, etc.

Contracting for a Phase II ESA

- Typical proposal contents:
 - Site description/background
 - Any previous reports/maps/etc.
 - Project objective(s)
 - Scope of services required
 - Proposal requirements and format
 - Other pertinent information



Bottom Line Suggestions:

- Make sure consultant understands who you are and what you need
- Accurate site information a must
- Insist on analysis and not simply a "data dump"



Certain Sites May Not Be Compatible with Certain Funding Sources:

- Superfund
- CERCLA
- RCRA
- Petroleum
- Asbestos and Lead Paint



Type of Funding Can Trigger Additional Requirements

- Does HUD Recognize RBCA?
- EPA
 - M/WBE Goals
 - Quality Assurance Project Plans
 - Myriad of Federal Contracting Regulations



Value Added Tips

- Request multiple copies of reports
- Request an e-version on CD (PDF)
- Request jpegs of all images
- Develop good filing system



Questions???





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